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ELIMINATION OF DISCRIMINATION AGAINST WOMEN IN ACCORDANCE WITH THE AIMS OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Violence in the family

Note by the Secretariat

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I. INTRODUCTION

1. The present note has been prepared in compliance with Economic and Social Council resolution 1984/14 in which the Council, recognizing the negative consequences of violence within the family for all individuals concerned, called upon the Secretary-General to invite Member States, organizations of the United Nations and non-governmental organizations to provide the United Nations Secretariat with information on family violence and descriptions of successful programmes on the subject, or to supplement information which is already provided. The Council also decided to include the subject of family violence in the agenda of the thirty-first session of the Commission on the Status of Women on the basis of such information supplied.

2. In view of the preparations necessary for the World Conference to Review and Approve the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held at Nairobi from 15 to 26 July 1985, it has not been possible for the Secretariat to undertake a comprehensive study on the subject. However, the Secretary-General, in compliance with resolution 1984/14, has included in his approved 1986-1987 programme budget an allocation for convening an expert group meeting on the subject. In preparation for this meeting, it is the intention of the Secretary-General to solicit the views of Member States, organizations of the United Nations system and concerned non-governmental organizations. It is anticipated that the results of the meeting, together with the analysis of the information provided through the inquiry, will allow for a broader perspective through which the Commission may further consider the issue and recommend the necessary steps for investigating the causes and the grave consequences of violence in the family, as well as innovative ways and means to combat the problem. In the interim, the attention of the Commission is drawn to the report of the Secretary-General on the situation of women as victims of crime, prepared for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Milan from 26 August to 6 September 1985 (A/CONF.121/16).

3. The General Assembly, at its fortieth session, in considering the report of the Seventh Congress, 1/ took note of the above-mentioned report of the Secretary-General and, in its resolution 40/36 on domestic violence, invited the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to consider the problem of domestic violence.

4. The attention of the Commission is also drawn to the Forward-Looking Strategies for the Advancement of Women, adopted at the Nairobi Conference, 2/ which make a specific reference to abused women (para. 288), as follows:

> Gender-specific violence is increasing and Governments must affirm the dignity of women, as a priority action.
>
> Governments should therefore intensify efforts to establish or strengthen forms of assistance to victims of such violence through the provision of shelter, support, legal and other services.
>
> In addition to immediate assistance to victims of violence against women in the family and in society, Governments should undertake to increase public awareness of violence against women as a societal problem, establish policies and legislative measures to ascertain its causes and prevent and eliminate such violence, in particular by suppressing degrading images and representations of women in society, and finally encourage the development of educational and re-educational measures for offenders.

II. BACKGROUND

5. The international community has, over the years, recognized the family unit as an important element in economic, social and cultural aspects of development and has reflected its concern for the welfare of the family in a number of international instruments, strategies and plans of action. Article 16(3) of the Universal Declaration of Human Rights, for example, states: "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State".

6. In paragraph 124, the Plan of Action adopted by the World Conference of the International Women's Year (Mexico, 1975) states: "The institution of the family, which is changing in its economic, social and cultural functions, should ensure the dignity, equality and security of each of its members, and provide conditions conducive to the balanced development of the child as an individual and as a social being". 3/

7. In paragraph 14(g), the World Population Plan of Action adopted by the World Population Conference (Bucharest, 1974) states: "The family is the basic unit of society and should be protected by appropriate legislation and policy". 4/

8. The International Development Strategy for the Third United Nations Development Decade (General Assembly resolution 35/56, annex) emphasized the essential role of the family in the balanced development of the child and encouraged changes that would lead to the sharing of responsibilities by men and women in the family.

9. Violence occurring in the family is a question that has been receiving increasing attention, particularly as a result of the women's movement, which has encouraged abused women to report such abuse. However, a great number of cases still remain under-reported owing to the tendency of police, court officials and professional workers to be reticent about intervening in what is still considered a domestic issue.

10. Historically, in some societies the physical abuse of women and children was condoned by law. Until the nineteenth century, in many societies, children and wives were regarded as the property and under the exclusive control of their fathers and husbands respectively. Although legal systems have changed, attitudes and practices in some countries still reflect these historical influences. Today, violence continues to be tolerated. It occurs in a clandestine manner within some families, the women and children being victims of physical or sexual attack by male members of the family. Since in most instances such acts of violence occur in privacy, it is often difficult to prosecute the offender because of lack of evidence. Most victims are also often either too intimidated to seek redress or incapable of doing so.

11. Studies on the subject reveal that abuse and violence against women are found in all regions, among all ethnic groups, at all educational levels, and in all socio-economic situations. Moreover, it has been increasing significantly in recent years. It is manifested in a wide variety of ways which include battering, rape, molestation, assault, harrassment and mental torture leading to suicide. It has also been found that, to a large extent, violence against women is part of a complex psycho-social process resulting from tensions in society as well as in relationships between men and women and tends to occur more frequently among married couples.

12. Physical and psychological violence are interrelated, and all physical violence invariably has a psychological impact upon the women or children concerned. Children who witness domestic violence may be emotionally injured by the experience, while abused children often become abusive parents or spouses. The negative effects and consequences of this problem are increasingly affecting the family and society, requiring thorough consideration of the problem within the social, legal and criminal context.

13. Consideration of the question of violence in the family by United Nations bodies during the Decade for Women showed increasing Government awareness of and concern about this problem which affects not only the family but society as a whole. As noted above, the Mexico Plan of Action referred to the family in modern society. It indicated that, as an institution, the family is subject to change and that its members are influenced by socio-economic factors. The Plan recommended that the dignity, equality and security of each member of the family be protected.

14. It is relevant to note that although the Mexico Conference did not specifically point to the problem of violence in the family, some of its recommendations referred to tension among family members caused by minor conflicts. Suggestions made in this respect pointed to the need for adequate family counselling and the establishment of family courts staffed particularly by women trained in the law and other relevant disciplines.

15. During the World Conference of the United Nations Decade for Women: Equality, Development and Peace, held at Copenhagen from 14 to 30 July 1980, the subject of the family was reviewed from new perspectives. Violence in the family - in particular the battering of women - was recognized as a complex problem for women, for the family and for society. Some of the causes were recognized as stemming from geographical and social isolation, financial difficulties, irregular employment, alcohol and drug abuse, low self esteem and general instability.

16. The Programme of Action for the Second Half of the Decade 5/ dealt with the issue and stressed the need to protect the health of women and the wellbeing of the family. It also stressed the need for more information and research activities in this area in order to find out the causes and extent of the problem. The Programme of Action also called for establishing centres for treatment, shelter and counselling for victims of violence and sexual assault.

17. The Copenhagen Conference, in its resolution 5 on battered women and violence in the family - considering that violence in the home and in the family as well as in institutions, and in particular physical, sexual and other forms of abuse of women, children and the elderly, constituted an intolerable offence to the dignity of human beings as well as a grave problem for the physical and mental health of the family as well as for society - urged Member States to adopt measures to protect the victims of family violence.

18. At the 1985 Conference at Nairobi, the problem received much attention. It was the subject of discussion in the Forward-Looking Strategies in the chapters on Equality, Peace and Areas of Special Concern, which contained a section on Abused Women. Recommendations were proposed for stricter legal and law enforcement measures to combat the problem as well as counselling services and other social measures.

19. As indicated in its report, 1/ the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders observed that women were particularly vulnerable to exploitation, to the deprivation of rights and to

serious interpersonal violence, particularly sexual assault and domestic violence. It noted that official recognition of the gravity and extent of female victimization was increasing, as was the effort to respond to the problem more effectively and with greater sensitivity (para. 230).

20. The Congress also noted that women tended to be victimized by inequitable treatment and by camouflaged abuses, such as those which frequently occurred in situations of domestic violence, and pointed out that reducing domestic violence greatly reduced violence against women in general (para. 232).

21. The Congress stated that the gender-based victimization of women constituted a problem "without frontiers", as it existed everywhere to various extents; that manifest and latent violence and discrimination seriously jeopardized the personal and social development of women; and that this was against the best interests of society. The Congress emphasized the need to intensify research efforts in order to ascertain and better understand the different forms in which female victimization was manifested in various parts of the world (para. 233).

III. SOME PRELIMINARY FINDINGS

22. It may be recalled that the Economic and Social Council, in its resolution 1982/22 on abuses against women and children, had requested the Secretary-General to compile a study on action taken by Member States for submission as a report to the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women, if the Preparatory Committee for the Conference so decided. In this connection, the Preparatory Committee, at its second session, requested the Secretary-General in preparing the documentation on the forward-looking strategies to highlight the importance of the family unit, including the need to aid families in the protection and care of children and the need to promote responsibilities of both parents. As indicated above, concern about violence in the family was duly reflected in the Nairobi Forward-Looking Strategies for the Advancement of Women.

23. Some preliminary findings from information received from 51 Governments in response to a request of the Secretary-General pursuant to Economic and Social Council resolution 1982/22 indicate that in the majority of responding countries there are no specific agencies in charge of dealing with the problem of violence in the family. Complaints are made direct to the police headquarters. In a number of countries, responsibility for such problems is entrusted to social institutions. In others, such matters are reported to a Government agency or Family Courts. In three cases, a Government authority or a combination of police, Government courts and social workers deals with these issues.

24. In addition to the physical, mental and sexual abuse of women and children, other acts of violence are perpetrated involving torture and the disappearance of persons. In a great number of countries, violence in the family - in the form of battering or abusing women physically or sexually - is perpetrated by the husband or adult male against the wife or other partner. One country reported that in 90 per cent of cases involving rapes and other sexual crimes, girls or women were the victims. Almost all of the perpetrators were men. Child molestation and sexual abuse have been associated with prostitution, pornography and incest. Violence has been reported in connection with: rape; dowry transactions; harassment; theft; immoral traffic; and child marriages.

25. Where physical violence in the family is perpetrated by women, it usually occurs among the disadvantaged classes of society and is closely related with poverty and other negative social factors.

26. Some countries reported that the incidence of abuse of women and children was very low, and that such abuse, when it occurred, occurred within the family. In a number of cases, the problem of abuse of women was related to the status of women in the society and to alcoholism. In other cases, violence was usually associated with other social problems, leading to wives being deserted and children being neglected.

27. In view of the nature of the problem, statistical evidence is either inadequate or unavailable. Only a few countries have reliable statistics. According to the information provided to the Secretariat, no official statistics were reported and no specifications were made regarding the sources of information. In one case it was revealed that 8.1 per cent of the women who participated in the survey had been abused during the year of the survey. In another case, in connection with the consequences of violence, it was observed that 3,000-5,000 children had been victims of ill-treatment. In yet another case, it was reported that, in general, women were the victims of violence in marriage.

28. Medical statistics from one country revealed that 10 per cent of the cases treated in one day were related to family violence against women. Statistics for another, for 1982, showed that out of 134 cases of assault reported, 65 involved physical and sexual violence. Out of 60 cases, 15 involved physical abuse in the form of beatings.

29. The measures recommended by the responding Governments to combat the problem showed great diversity. Suggested preventive measures and measures of assistance to victims included:

(a) Establishment of homes for battered women and children, to provide physical and mental care as well as psychological treatment. (These measures could be made more effective if a pool of physicians were provided to act as "physicians of trust" thereby ensuring the presence of a qualified medical practitioner to take care of the victims of violence in the family.);

(b) Modification of the legislation, particularly with regard to ensuring the anonymity of persons presenting complaints;

(c) Elaboration of legislation aimed at reducing domestic violence and the establishment of family courts to deal with such violence;

(d) promotion of awareness of the problem through the media or through brochures prepared for the general public indicating the consequences of family violence;

(e) Organization of meetings at the regional level to study the situation of women in respect of violence, as a means of helping them to cope with the problem;

(f) Promotion of general education, through audio-visual channels, informative and explanatory programmes, and socio-economic services for families, unmarried mothers, abandoned children, and widows with inadequate incomes;

(g) Training of appropriate personnel to identify cases of abuse as well as an increase of technical and financial support for projects aimed at preventing abuse of women and children;

(h) Preparation of students for family life, with the aim of making them aware of their responsibilities;

(i) Provision of consultation services, before and after marriage, as well as family centres to help families which have internal problems;

(j) Establishment of hostels for battered women and their children, and the right to minimum subsistence in cases where no income or means of subsistence is available;

(k) Provision - by institutions in charge of family welfare - of free legal guidance and assistance for abandoned or abused women and children.

IV. CONCLUSIONS

30. The international community has clearly indicated its concern about the problem of domestic violence and the need to deal with it more effectively. The preliminary findings presented in this report have indicated that adequate data are lacking and that not enough is being done to address the problem, whether in the form of preventive measures or in assistance to victims. There is a need for more information and research activities as well as appropriate legislation and policies to protect the family from abuse.

31. As mentioned above, it is expected that the proposed meeting of experts on family violence, to be convened by the Secretariat, will deal with the question in such a way as to enable the Commission to make recommendations on ways and means to combat the problem.

Notes

1/ Report of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.121/22).

2/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace (A/CONF.116/28).

3/ World Plan of Action for the Implementation of the Objectives of the International Women's Year. See Report of the World Conference of the International Women's Year, Mexico City, 19 June - 2 July 1975 (United Nations publication, Sales No. E.76.IV.1).

4/ See Report of the United Nations World Population Conference, 1974, Bucharest, 19-30 August 1974 (United Nations publication, Sales No. E.75.XIII.3).

5/ See Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace, Copenhagen, 14 to 30 July 1980 (United Nations publication, Sales No. E.80.IV.3).